

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION

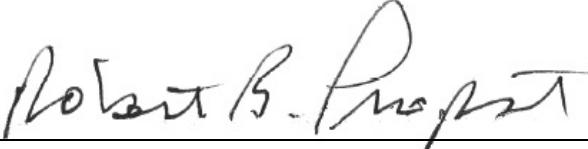
MATTHEW DENDY, individually and on)	
behalf of all other similarly situated,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 08-PWG-340-NE
)	
CITY OF FLORENCE, ALABAMA, ET AL.,)	
)	
Defendants.)	

O R D E R

The magistrate judge filed findings and recommendation on April 21, 2009 recommending that the motion to dismiss be granted to the extent that Counts Two, Four, Five, and the claims under the Fourth, Fifth, and Sixth Amendment raised in Count One are dismissed against defendant SHP. No objections have been filed by either the plaintiff or defendant pursuant to Rule 72(b) of the *Federal Rules of Civil Procedure*.

Having carefully reviewed and considered *de novo* all the materials in the court file, the Court is of the opinion that the magistrate judge's findings are due to be and are hereby ADOPTED and his recommendation is ACCEPTED. Accordingly, it is ORDERED that the motion to dismiss (doc. #30) is GRANTED. Counts Two, Four, Five and the claims under the Fourth, Fifth and Sixth Amendments raised in Count One are DISMISSED as filed against defendant SHP.

As to the foregoing it is SO ORDERED this the 1st day of June, 2009.



ROBERT B. PROPST
SENIOR UNITED STATES DISTRICT JUDGE